

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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PATRICK L. MCGUINNESS,

Plaintiff

v.

TXU ENERGY SOLUTIONS LP and  
SCOTT HARRISON,

Defendants

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C. A. NO. 04CV1170JLT

AFFIDAVIT OF PATRICK L. MCGUINNESS

I, Patrick L. McGuinness, hereby depose and say as follows:

1. I am the plaintiff in the above action.

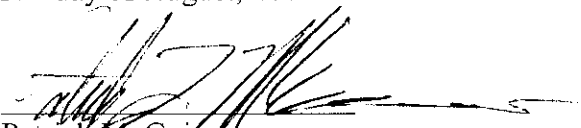
2. During the course of my employment with defendant, TXU Energy Solutions (TXU),

I worked out of an office in my home in Yarmouthport, Massachusetts. TXU registered my house as an office for its business with the Commonwealth of Massachusetts.

3. For the last year of my employment with TXU, I spent over 90% of my work time, working at my home office, and less than 10% of my time traveling out of state to visit various clients of TXU.

4. Scott Harrison was the manager of the department which employed me. My direct supervisor, Mr. Cox, reported directly to Mr. Harrison. Mr. Harrison called me in excess of 20 times at my Massachusetts home office to give me directives. He also sent me numerous e-mails, probably more than 50 of them, which I received on my office computer. Mr. Harrison was also in charge of approving the monthly expenses for my Massachusetts home office.

Signed under the pains and penalties of perjury this 17<sup>th</sup> day of August, 2004.

  
Patrick McGuinness